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In re Application of
William T. Wilkinson et al
Serial No. : 10/611,763
Filed : July 1, 2003
US Publication No. : 2004/0043873
Published : March 4, 2004
For : Exercise Device for Exercising Upper Body
Simultaneously With Lower Body Exercise

NOTIFICATION OF
IDENTIFICATION OF
PRIOR ART IN
UNTIMELY PROTEST
UNDER 37 CFR 1.291(a)

The protest filed July 26, 2004 under 37 CFR 1.291(a) was filed after March 4, 2004, the publication date of the application.

Because the protest was filed after the publication of the application, it is untimely and it is not being entered in the application file. It is also noted that this submission was reviewed to determine compliance with 37 CFR 1.99, Third-Party Submission in Published Application as per guidelines set forth in section 1134 of the MPEP. The submission does not comply with the requirements of 37 CFR 1.99(b)(1), (d), and (e). Accordingly, the duplicate copy submitted by the protestor is being destroyed in accordance with section 1901.06 of the MPEP, Protest Filed After Allowance or the Publication of the Application, and section 1134 of the MPEP.

Applicant may wish to consider submitting the prior art from the protest pursuant to 37 CFR 1.97 and 37 CFR 1.56 during the prosecution of the application.

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